

I. ABSTRACT

In the Office Action, the Examiner objected to the Abstract. In response, Applicants submit the amendment of the abstract in the response filed September 1, 1999, is proper.

The Examiner stated that the substitute abstract of the disclosure filed on September 7, 1999, has not been entered because it was not submitted on a separate sheet. MPEP 608.01(b). However, the requirement of a separate sheet for the Abstract is applicable only for the original application, or a substitute Abstract when the Abstract in the original application does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(1). The Abstract in the Application as originally filed DOES commence on a separate sheet. The requirement of a separate sheet for the Abstract is NOT applicable for an amendment of the Abstract. MPEP 608.01(b), Paragraph 6.16, does not require that an amendment of the Abstract has to commence on a separate sheet.

37 CFR 1.121 states that "Amendments in nonprovisional applications . . . are made by filing a paper . . . directing that specified amendments be made. (1) Specification other than the claims. . . . amendments to add matter to, or delete matter from, . . . (i) instructions for insertions: The precise point in the specification must be indicated where an insertion is to be made, . . . (ii) Instructions for deletions: The precise point in the specification must be indicated where an insertion is to be made, . . . " MPEP 714.22. In the response filed September 1, 1999, Applicants requested amendment of the Abstract by replacing the Abstract with a new abstract. Therefore, the precise point where an insertion and a deletion is clearly indicated. Therefore, Applicant requests the objection to the Abstract be withdrawn.

II. DRAWINGS

In the Office Action, the drawings were objected to by the Draftsperson as noted in the form PTO 948. Applicants shall postpone submission of formal drawings until the Claims have been allowed.

III. REJECTION UNDER 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 1-15 under 35 U.S.C. § 112, first paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner stated that “ ‘a plurality of memory banks of semiconductor memory devices’ raises the issue of new matter.” Applicants respectfully traverse the rejection for the following reasons.

A dynamic random access memory (DRAM) or static random access memory (SRAM) is a semiconductor device, as opposed to magnetic tape storage device such as video and audio tapes. Since the Examiner seems unfamiliar with the basic memory technologies and have difficulty knowing the difference between a semiconductor device and a magnetic tape, Applicants respectfully refer the Examiner to Appendix A which includes pages 48-50 of the book “Semiconductor Memories” by Betty Prince, Second edition, published by Wiley, 1993. In particular, the first two lines of page 50 state “Semiconductor memories are split by major cell type into DRAMs, SRAMs, ...”. Regarding the plurality of memory banks, the Specification provides full support on page 9 (lines 17-21).

Accordingly, Applicants respectfully request the rejection under 35 U.S.C. § 112, first paragraph be withdrawn.

IV. REJECTIONS UNDER 35 U.S.C. § 102(e) AND § 103(a)

In the Office Action, the Examiner rejected Claims 1-8 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 5,625,570 issued to Vizireanu et al. ("Vizireanu"). The Examiner rejected Claims 1-15 35 U.S.C. § 103(a) as being unpatentable over Vizireanu in view of U.S. Patent No. 5,273,050 issued to Schaus et al. ("Schaus"). Applicants respectfully traverse the rejections for the following reasons.

Applicants continue to maintain the same arguments as presented in the previous response to the Office Action, repeated below for ease of reference.

Applicants maintain the same arguments as presented in the previous response filed on September 1, 1999. In particular, Applicants maintain that Vizireanu does not disclose two processors. The Examiner states that the element 340 is a processor. However, the element 340 in Vizireanu (Figure 3) is merely a 6 channel audio server card interfacing between the processor 20 to the VCR's 310. The audio server card 340 only provides the audio signal lines to send the audio segments (Vizireanu, Col. 19, lines 40-44).

In addition, Applicants maintain that Vizireanu does not disclose a plurality of memory banks. The Examiner stated that the VCR 310 is read as a memory bank because "the function of the VCR is to store data (write) and to retrieve data (read) when being accessed." (Office Action, page 5). Applicants respectfully disagree with this overly broad interpretation of a memory bank. As is well known by the public, a VCR is a mechanical device with magnetic tape that can record audio segments. A VCR is not a memory bank. In the present invention, the memory banks include semiconductor memory devices, as opposed to magnetic tape.

The arguments are centered on two main issues:

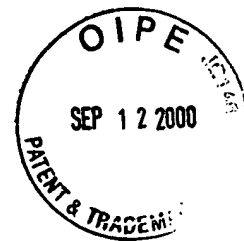
- 2 issues
- 1) Whether the VCR 310 in Vizireanu operates as a semiconductor memory device.
 - 2) Whether the audio server card (element 340 in) is a processor that can execute programs.

Regarding the first issue, Applicants respectfully refer the Examiner to Appendix A which clearly discusses the difference between a semiconductor device and a magnetic tape device.

another meaning for processor: one that processes

Regarding the second issue, the Examiner stated that according to Webster's II New Riverside University Dictionary, a "processor" is defined as "a program that translates another program into a form acceptable to the computer being use." Even assuming that this is the proper definition, the Examiner's contention must fail because the element 340 is NOT a program, but it is a physical device. Applicants respectfully request the Examiner to cite the specific description in Vizireanu that shows that the audio server card 340 "translates the audio program from the memory banks into a form acceptable to the computer 320 being used" as claimed by the Examiner on page 6 of the Office Action.

More importantly, the definition of the word "processor" must be taken within the context of the specification. "The specification can always be used as a dictionary to learn the meaning of a term in the patent claim." *In re Boylan*, 392 F.2d 1017, 157 USPQ 370 (CCPA 1968). MPEP 804 II.B.1 "Further, those portions of the specification which provide support for the patent claims may also be examined and considered when addressing the issue of whether a claim in the application defines an obvious variation of an invention claimed in the patent." *In re Vogel*, 422 F.2d 438, 441-42, 164 USPQ 619, 622 (CCPA 1970). MPEP 804 II.B.1.

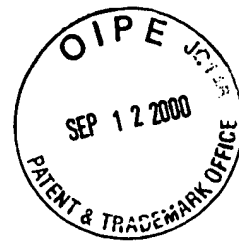


Here, the word “processor” is used in the claim with full support from the specification to refer to a “microprocessor” or “digital signal processor”. See Specification, page 7 (lines 3-5) and page 8 (lines 1-3, lines 14-15, lines 18-20). As the Examiner may be aware, a microprocessor or a digital signal processor is a device that can execute instructions in a program. The audio server card 340 in Vizireanu cannot operate as a microprocessor or a digital signal processor. Nowhere in Vizireanu that a description of the audio server card 340 functioning as a microprocessor is found. In fact, the audio server card 340 cannot be a microprocessor because Vizireanu clearly shows that the four audio server cards 340 are connected to a computer 320.

Therefore, Applicants believe that independent Claims 1, 5 and their respective dependent Claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 102(b) and § 103(a) be withdrawn.

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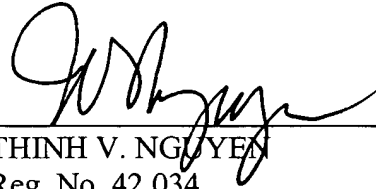
CONCLUSION



In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



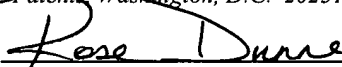
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on: September 8, 2000.


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